

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANDREW AREVALO,

Plaintiff,

vs.

JEFF CASTRO et al.,

Defendants.

3:15-cv-00407-RCJ-WGC

ORDER

This is a prisoner civil rights case. Pending before the Court is an Emergency Motion to Stay Proceedings (ECF No. 18). For the reasons given herein, the Court denies the motion.

Defendants filed a motion to disqualify Plaintiff's counsel based on allegations of an ethical breach. Plaintiff's deadline for responding to the motion is May 20, 2016. (*See* ECF No. 16). Pending before the Court is also Plaintiff's motion to remand the case to state court. (*See* ECF No. 5). Plaintiff urges the Court to rule on the motion to remand before addressing the motion to disqualify. Plaintiff also asks the Court to stay the proceedings in the case until a grievance filed with the State Bar of Nevada, which addresses the alleged ethical breach, is resolved.

The Court will not stay the proceedings for two reasons. First, the delay would be indefinite and possibly prolonged. According to counsel for the Bar, the Bar's investigation will "probably" be presented to a screening panel by about the end of June. (*See* Correspondence, 12, ECF No. 18-1). But after a screening panel does hear the matter, it can hold it over for further investigation or file a written complaint for a formal hearing, which would further delay a decision. (*See* Disciplinary Rules of Procedure, State Bar of Nevada, Rule 8). Second, the State

1 Bar's decision will not necessarily resolve the issues involved in the motion to disqualify. In
2 addition to the alleged ethical breach, the motion to disqualify and accompanying evidence raise
3 other issues of possible misconduct involving "misrepresentation" and "conduct that is
4 prejudicial to the administration of justice." (See Nevada Rules of Professional Conduct 8.4(c)-
5 (d)). The Court denies the motion to stay the case. The Court will proceed with all aspects of the
6 case, including the motion to remand, unless and until Plaintiff's counsel is disqualified.
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8 **CONCLUSION**

9 IT IS ORDERED that the Emergency Motion to Stay (ECF No. 18) is DENIED.

10 Dated this 12th day of May 2016.

11 IT IS SO ORDERED.

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14 ROBERT C. JONES
15 United States District Judge
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